

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES T. MITCHELL,

Plaintiff,

vs.

SERGEANT DEVIN RUFF, in his individual capacity; DEPUTY ROLAND KRAMER, in his individual capacity; and JOHN OR JANE DOE, in their individual capacity;

Defendants.

4:24CV3046

AMENDED PROGRESSION ORDER

IT IS ORDERED that the parties' joint motion to extend progression deadlines (Filing No. 37) is granted. The final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for **July 30, 2025** is continued and will be held with the undersigned magistrate judge on **January 6, 2026** at **9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 16, 2025.

For the defendant(s): August 18, 2025.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to

at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): August 18, 2025.

For the defendant(s): September 18, 2025.

Plaintiff(s)' rebuttal: October 17, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is December 22, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is January 26, 2026.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 26, 2026.
- 7) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 5th day of May, 2025.

BY THE COURT:

s/ Ryan C. Carson

United States Magistrate Judge

each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.